

Abstract

New trends in international commercial arbitration

The subject of this diploma thesis is the international commercial arbitration as a dynamically developing field and more specifically selected segments of the development of this field. Due to the great popularity of solving international commercial disputes the other way than in civil litigation international commercial arbitration is a very important and growing field. International commercial arbitration is pushed continually to be improved to be able to provide a quick, qualified and fair solution. Since there is changed competence from court to arbitrator it is also very important for states to ensure that arbitration awards that have arisen in the arbitration procedure respect public order and that the procedure keeps certain standards of the process. This thesis is divided into four chapters.

The first chapter is devoted to the theoretical definition of international commercial arbitration, the distinctions between arbitration and civil litigation and ADR methods. There are also named theoretical concepts of arbitration such as contractual theory, jurisdictional theory, hybrid and autonomous theory with representatives of each one.

The second section describes the development of the international arbitration and covers all important sources of law of international arbitration. Since there are more legal sources of both domestic and international nature there is also described their interaction.

The third chapter deals with arbitration in the Czech legal system. First part focuses on the development of the decision-making practice of the Constitutional Court from the contractual theory to the jurisdictional theory. Following part is about arbitrability and its gradual reduction.

The last chapter focuses on The Lima Chamber of Commerce's Arbitration Center and its new Rules of arbitration which were adopted in January 2017. There have been newly added some instruments so in this chapter they are presented also with comparison of these instruments how they are modified by leading arbitral tribunals.